IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

MONDAY, THE 27TH NOVEMBER 2006 / 6TH AGRAHAYANA 1928

WP(C).No. 30718 of 2006(F)

PETITIONER:

K.T.MUHAMMED SHAFI, AGED 41 YEARS,
S/O.MOIDEEN, RESIDING AT KANAKOVIL THAZHAM,
KARAPPARAMBA, KOZHIKODE- 673 010.

BY ADV. SRI.P.S.SREEDHARAN PILLAI
SMT.C.G.PREETHA

RESPONDENTS:
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1. THE KOZHIKODE CORPORATION REPRESENTED BY ITS SECRETARY, KOZHIKODE.

2. THE SECRETARY, KOZHIKODE CORPORATION.

3. THE HEALTH OFFICER, KOZHIKODE CORPORATION.

BY ADV. SRI.C.M.SURESH BABU, SC, KOZHIKODE CORPORATION

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 27/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS C.KURIAKOSE,J.

W.P.(C) NO.30718 OF 2006

Dated this the 27th day of November, 2006

J U D G M E N T

Exhibit P4 order impugned in this writ petition is obviously appealable. I relegate the petitioner to remedies by way of appeal. However, since it is agreed before me by the learned standing counsel for the Corporation also that the petitioner had been conducting the chicken stall in question for a very long period and that it was only because of Exhibit P4 that the same came to be closed down, I am of the view that there is justification for directing the petitioner to continue to run the chicken stall subject to the result of the prospective appeal.

2. Accordingly the writ petition will stand disposed of with the following directions.

The petitioner is permitted to prefer appeal against Exhibit P4. If appeal is filed by the petitioner within a week of receiving copy of this judgment, the appellate authority will take the appeal as one filed on time. Once appeal is preferred by the petitioner, the appellate authority will issue notice to the petitioner and also to the persons who filed complaint against the conduct of chicken

stall by the petitioner and dispose of the appeal at the earliest, and at any rate within a month of the complainants entering appearance in the appeal. The conduct of chicken stall on the strength of this order will be subject to the final outcome of the appeal.

Writ petition is disposed of accordingly.

PIUS C.KURIAKOSE, JUDGE

Rp